

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JONATHAN BRAN,

Plaintiff,

- against -

Case No. 2:21-cv-01475-JS-ST

ANSWER TO
AMENDED
COMPLAINT

THISVI LTD. d/b/a CENTRAL ISLIP
FIRESTONE; and DIMITRIS TSALATSANIS,

Defendants.
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Defendants, THISVI LTD. d/b/a CENTRAL ISLIP FIRESTONE; and DIMITRIS

TSALATSANIS (hereinafter referred to as "Defendants"), by their attorneys, GEORGE C.

VLACHOS & ASSOCIATES, P.L.L.C., answering the complaint of Plaintiff, JONATHAN

BRAN (hereinafter referred to as "Plaintiff"), state, upon information and belief as follows:

1. Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "1," "2," "3," "4" and "5" of Plaintiff's Amended Complaint.

2. Defendants deny each and every allegation contained in Paragraph "8" of Plaintiff's Amended Complaint.

3. Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "9," "10," "11" and "12" of Plaintiff's Amended Complaint.

4. Defendants deny each and every allegation contained in Paragraphs "13," "14," "15," "16," "17," "18" and "19" of Plaintiff's Amended Complaint.

5. Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "20," "21" and "22" of Plaintiff's Amended

Complaint.

6. Defendants deny each and every allegation contained in Paragraphs “23” and “24” of Plaintiff’s Amended Complaint.

7. Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs “25,” “26,” “27” and “28” of Plaintiff’s Amended Complaint.

8. Defendants deny each and every allegation contained in Paragraphs “29,” “30,” “31” and “32” of Plaintiff’s Amended Complaint.

9. Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs “33,” “34” and “35” of Plaintiff’s Amended Complaint.

10. As to Paragraph “36” of Plaintiff’s Amended Complaint, Defendants repeat, reallege and reiterate each and every response set forth above in Paragraphs “1” through “9” as if fully set forth at length herein.

11. Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs “37,” “38,” “39,” “40” and “41” of Plaintiff’s Amended Complaint.

12. Defendants deny each and every allegation contained in Paragraphs “42,” “43,” “44,” “45,” “46,” “47,” “48” and “49” of Plaintiff’s Amended Complaint.

13. As to Paragraph “50” of Plaintiff’s Amended Complaint, Defendants repeat, reallege and reiterate each and every response set forth above in Paragraphs “1” through “12” as if fully set forth at length herein.

14. Defendants deny having knowledge or information sufficient to form a belief as to

the truth of the allegations contained in Paragraph "51" of Plaintiff's Amended Complaint.

15. Defendants deny each and every allegation contained in Paragraph "52" of Plaintiff's Amended Complaint.

16. Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "53" of Plaintiff's Amended Complaint.

17. Defendants deny each and every allegation contained in Paragraphs "54," "55," "56," "57," "58," "59," "60" and "61" of Plaintiff's Amended Complaint.

18. As to Paragraph "62" of Plaintiff's Amended Complaint, Defendants repeat, reallege and reiterate each and every response set forth above in Paragraphs "1" through "17" as if fully set forth at length herein.

19. Defendants deny each and every allegation contained in Paragraphs "63," "64," "65," "66," "67" and "68" of Plaintiff's Amended Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

20. Plaintiff's Amended Complaint fails to state a cause of action upon which relief can be granted against the Defendants.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

21. Plaintiff's claims are barred by applicable statutes of limitation.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

22. Plaintiff's allegations are barred as a result of the actions and/or inactions of the Plaintiff.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

23. Plaintiff's allegations are barred by the doctrine of Waiver and Estoppel.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

24. Plaintiff failed to mitigate his damages.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

25. Plaintiff failed to exhaust administrative and other remedies.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE


26. Plaintiff has not acted in good faith.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

27. Plaintiff's claims are barred by the doctrine of laches.

WHEREFORE, Defendants, THISVI LTD. d/b/a CENTRAL ISLIP FIRESTONE; and DIMITRIS TSALATSANIS, demand judgment against Plaintiff dismissing the complaint, together with costs, disbursements and attorney's fees, or in the alternative, together with costs, disbursements and attorney's fees and for such other and further relief as the Court deems just and proper.

Dated: April 13, 2021
Central Islip, New York



GEORGE C. VLACHOS & ASSOCIATES, P.L.L.C.
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